REMARKS

Claims 28, 29 and 36 are pending. Claims 41, 42, 48 and 53 were previously canceled. Claims 1-27, 30-35, 37-40, 43-47, and 49-52 are canceled by this communication. Claims 28, 29 and 36 are rejected.

Information Disclosure Statement

In the returned information disclosure statement (IDS) filed on April 23, 2004, the Examiner crossed out B18, which is a Japanese patent abstract. The Examiner did not sign off reference C22. Applicants believe these references were properly submitted and respectfully request the Examiner to consider them or sign them off.

Claim Objections

Claims 28, 29 and 36 are objected to for depending from a withdrawn base claim. Applicants believe the issue is now moot in light of the amendment to claims.

Rejections under 35 U.S.C. §112, first paragraph

Claims 28, 29 and 36 are rejected under 35 U.S.C. §112, first paragraph as lacking sufficient description. The Examiner indicates tha the specification does not support a method comprising coating a composition as defined in the claim. Applicants believe the amendment to claims renders these rejections moot.

Rejections under 35 U.S.C. §112, second paragraph

Claims 28, 29 and 36 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner indicates tha the specification does not support a method comprising coating a composition as defined in the claim. Applicants believe the amendment to claims renders these rejections moot.

Rejections under 35 U.S.C. §102

Claims 28, 29 and 36 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,527,938 to Bales et al. ("Bales").

Claim 28 defines a method for coating an implantable device, which comprises applying a composition onto the implantable device to form a coating. The composition comprises **(1) a first block copolymer comprising a block having a glass transition temperature (T_g) below about body temperature and a second block having a T_g or a melting temperature (T_m) above about body temperature, and (2) a material selected from the group consisting of a biobeneficial polymer capable of forming a conjugate with the first block copolymer, a second block copolymer and a combination thereof, the second block copolymer comprising (i) a biobeneficial component and (ii) a component selected from the group consisting of components miscible with the first block copolymer and components insoluble in water**.

Bales discloses forming a microporous coating on a stent by mixing a block copolymer, poly(styrene-co-isobutylene-co-styrene) (SIBS), with an active agent and coating the mixture onto a metallic stent. However, Bales does not disclose or teach forming a coating using a composition as defined by claim 28, which comprises a block copolymer AND **a material which is either a biobeneficial polymer capable of forming a conjugate with the first block copolymer, a second block copolymer or a combination thereof, the second block copolymer comprising (i) a biobeneficial component and (ii) a component selected from the group consisting of components miscible with the first block copolymer and components insoluble in water**. Bales therefore cannot anticipate claim 28. Claim 28 is therefore patentably allowable over Bales under 35 U.S.C. §102(a). Claims 29 and 36 depend from claim 28 and are patentably allowable over Bales under 35 U.S.C. §102(a) for at least the same reason.

Claims 28, 29 and 36 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,545,097 to Pinchuk et al. ("Pinchuk").

Pinchuk discloses a stent having a coating formed of SIBS. The coating can include a bioactive agent. However, similar to Bales, Pinchuk fails to disclose or teach forming a coating using a composition as defined by claim 28, which comprises a block copolymer AND **a material which is either a biobeneficial polymer capable of forming a conjugate with the first block copolymer, a second block copolymer or a combination thereof, the second block copolymer comprising (i) a biobeneficial component and (ii) a component selected from the group consisting of components miscible with the first block copolymer and components insoluble in water**. Claim 28 is therefore patentably allowable over Pinchuk under 35 U.S.C. §102(a). Claims 29 and 36 depend from claim 28 and are patentably allowable over Pinchuk under 35 U.S.C. §102(a) for at least the same reason.

Claims 28, 29 and 36 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,835,387 to Herrmann ("Herrmann"). Applicants note that the Office Action indicates claim 30 is rejected over Herrmann along with claims 28 and 29. Applicants assume this is an error by the Examiner.

Herrmann discloses a coating and a method of forming a coating on a stent. The coating includes a block copolymer that can have polyisobutylene block(s) and polystyrene block(s) (cols. 6 and 7). The coating can include a superoxide dismutase mimic. However, Herrmann does not disclose or teach a coating as defined by claim 28, which comprises a block copolymer AND **a material which is either a biobeneficial polymer capable of forming a conjugate with the first block copolymer, a second block copolymer or a combination thereof, the second block copolymer comprising (i) a biobeneficial component and (ii) a component selected from the group consisting of components miscible with the first block copolymer**

and components insoluble in water. Therefore, claim 28 is patentably allowable over Herrmann under 35 U.S.C. §102(a). Claims 29 and 36 depend from claim 28 and are patentably allowable over Herrmann under 35 U.S.C. §102(a) for at least the same reason.

CONCLUSION

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

Date: February 28, 2008

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 393-9885
Facsimile (415) 393-9887

Respectfully submitted,

/ZLI/

Zhaoyang Li, Ph.D., Esq.
Reg. No. 46,872